

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits-Arbitration – Sanctioned an amount of Rs. 10,61,460/- towards 50% of decretal amount to be deposited to the credit of AOP No. 40/2005 on the file of the Principle Senior Civil Judge Court, Tirupathi in respect of the work relating to " FDR to close the breaches and construction of Potlakona Reservoir near Kalroadpalle (V) of Chandragiri (M) in Chittoor District entrusted to Sri P. Lakshmu Reddy contractor – in terms of the interim conditional stay granted by the Hon'ble High Court on 31.10.2011 in CMAMP No. 2068 of 2011 in CMA (SR) No. 31448 of 2011- Orders Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Ms. No. 51

Dated. 18 - 04-2012

Read the following:

1. From the Chief Engineer, Minor irrigation, Hyderabad Lr. No. DCE- II/OT3/SOAC/CHT/Arbitration/10, dated 26.06.2010.
2. From the Chief Engineer, Minor irrigation, Hyderabad Lr. No. DCE-II/OT3/SO1C/CHT/Arbitration/2011, dated 7.12.2011, 18.2.2012 and 02.03.2012

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ORDER

The Chief Engineer, Minor Irrigation, Hyderabad in his letters read above has reported that the work relating to " FDR to close the breaches and construction of Potlakona Reservoir near Kalroadpalle (V) of Chandragiri (M) in Chittoor District was entrusted to Sri P. Lakshmu Reddy, contractor vide Superintending Engineer L.S agreement No. 41/SE/1983-84 on tender basis at (+) 9.95% excess over the tender estimate rates. Certain disputes arose between the parties and the matter was referred to sole Arbitrator. The sole Arbitrator has passed award on 15.01.1999 stating that the claimant is entitled for an amount of Rs. 4,73,901/- and interest 18% P.A from 06.05.1986 to 17.07.2005 of Rs. 16,34,958/- aggregating Rs. 21,08,859/- .

2. The contractor has filed AOP No. 40 of 2005 on the file of the Prl. Senior Civil judge Court, Tirupathi to make the above award as rule of court . The contractor has filed another I.A No 219 of 2009 in A.O.P. No. 40/2005 stating that the Arbitrator awarded to a sum of Rs. 4,73,901/ - under (6) claims, and the awarded interest from 6.5.1986 to c17.7.2005 to a sum of Rs. 21,08,859/- but by mistake the above A.O.P. was filed for a total sum of Rs. 21,08,859/- instead of 25,82,760/- In this regard, a counter was filed by the department on 14.09.2009 that the extra amount claimed by the petitioner need not payable as much as the said amount was already included in the total Arbitrator award. The AGP, Tirupathi has informed that the I.A. No 219 of

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2009 in AOP 40/2005 was dismissed by the Prl. Senior Civil Judge Court, Tirupathi on 15.09.2009. The Civil Court has allowed the AOP No. 40/2005 and made the Arbitration award as rule of court plus cost of petition Rs. 7030/- and passed decree on 17.02.2010. The Asst Government pleader, Tirupathi has informed that the department has to pay the amount to the petitioner as per the award passed by the Arbitrator.

3. In the meanwhile, the contractor has filed O.E.P. No.93/2010 in A.O.P. No. 40/2005 for sale of immovable properties. The department has filed CMA(SR) No. 31448/2011 before the Hon'ble High Court of A.P., praying to grant interim stay of all further proceedings in OEP No. 93/2010 in A.O.P. No. 40/2005 on the file of the Principle Senior Civil Judge Court, Tirupathi pending CMAMP NO. 2068/2011. Accordingly, the Hon'ble High Court in its interim orders dt. 31.10.2011 in CMAMP No. 2068 of 2011 in CMA (SR) No. 31448 of 2011 has granted stay with a condition to deposit half of the decretal amount and cost within (8) weeks from today i.e 31.10.2011.

4. In pursuance of the above interim conditional stay orders of Hon'ble High Court dated 31.10.2011, the CE, Minor irrigation, Hyd has requested to accord sanction an amount of Rs.10,61,460/-(Rupees Ten lakhs sixty one thousand four hundred and sixty only) towards 50% of decretal charges to be deposited to the credit of AOP No. 40/2005 on the file of the Principle Senior Civil Judge Court, Tirupathi.

5. Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 10,61,460/- towards 50% of decretal charges to be deposited to the credit of AOP No. 40/2005 on the file of the Principle Senior Civil Judge Court, Tirupathi in respect of the work relating to " FDR to close the breaches and construction of Potlakona Reservoir near Kalroadpally (V) of Chandragiri (M) in Chittoor District entrusted to Sri P. Lakshmu Reddy, contractor vide Superintending Engineer L.S agreement No. 41/SE/1983-84 on tender basis at (+) 9.95% excess over the tender estimate rates.

6. The amount sanctioned in para (5) above shall be debitable to the detailed Head of Account Under "DA 4702 M.I Plan - 101- water tanks-GH - 11-NSP-SH(12) C & R -530/531 O.E (charged)".

7. The CE Minor irrigation, Hyderabad is therefore directed to deposit the above sanctioned decretal amount in the respective court and to avoid attachment of Government Property in OEP No. 93/2010 pending before the Principle Senior Civil Judge Court, Tirupathi

8. This order issues with the concurrence of Finance (Expr.PW) Department vide their U.O. No. 2244/84/A1/Expr-pw/12, dt. 28.02.2012

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer, Minor Irrigation, Hyderabad

The Accountant General, A.P. Hyderabad.

The Director of Works Accounts, A.P Hyderabad.

The District Treasury Officer, Chittoor

The Pay and Accounts Officer, Tirupathi

Copy to

The P.s to Prl. Secretary to C.M.

The P.S. to Minister (MI)

The P.S to Prl.Secy. to Govt., I&CAD Department.

The Superintending Engineer, Irrigation Circle, Tirupathi

The Executive Engineer, Irrigation Division, Tirupathi

The Assistant Government Pleader, Tirupathi

The Finance (Expr-pw) Department

The Law (B)Department

The I & CAD (P&B) Department.

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//FORWARDED BY ORDER//

SECTION OFFICER